

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, *et al.*,

Plaintiffs,

v.

THOMAS C. ALEXANDER, *et al.*,

Defendants.

Case No. 3:21-cv-03302-MGL-TJH-RMG

**SENATE DEFENDANTS' & HOUSE
DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION IN LIMINE TO
PRECLUDE DEFENDANTS FROM
INTRODUCING EVIDENCE OR
ARGUMENT SUPPORTING A
RATIONALE FOR CONGRESSIONAL
MAP BASED ON VOTING RIGHTS ACT
COMPLIANCE**

Plaintiffs' Motion *In Limine* To Preclude Defendants From Introducing Evidence Or Argument Supporting A Rationale For Congressional Map Based on Voting Rights Act Compliance (Dkt. No. 357) is unnecessary and never should have been filed. Contrary to Plaintiffs' misrepresentation, the parties *were* able to resolve the issues "raised in [Plaintiffs'] motion" during their meet-and-confer. Dkt. No. 357 at 2 n.1. Senate Defendants' counsel confirmed on that call that the Senate Defendants and the House Defendants have not asserted, and are not asserting at trial, a defense that any alleged use of race to draw the Congressional Plan or the lines Plaintiffs challenge was "reasonably necessary" to comply with the Voting Rights Act. *Miller v. Johnson*, 515 U.S. 900, 921 (1995).

Indeed, as the Senate Defendants and the House Defendants have explained, Plaintiffs' claims fail at the threshold because the General Assembly complied with traditional redistricting principles and did not "subordinate[] [those principles] to racial considerations." *Id.* at 916; *see also* Dkt. No. 323. Moreover, Plaintiffs, rather than the Senate Defendants and the House

Defendants, are the parties who have made repeated, inaccurate, and improper invocations of Voting Rights Act concepts in this case, which does not present a Voting Rights Act claim or defense. *See* Dkt. No. 323.

The Court should deny as moot Plaintiffs' Motion *In Limine* To Preclude Defendants From Introducing Evidence Or Argument Supporting A Rational For Congressional Map Based on Voting Rights Act Compliance.

September 9, 2022

Respectfully submitted,

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